

CHARTER

To Incorporate McComb City, In the County of Pike, State of Mississippi

Sec. 1 Corporate limits.

COMMENCE at the Northeast corner of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36, Township 4 North, Range 7 East, Pike County, Mississippi, said point being Point of Beginning; run South along the East line of the SW $\frac{1}{4}$ of Section 36, Township 4 North, Range 7 East to a point on the North line of Section 1, Township 3 North, Range 7 East; run thence east along said North line of Section 1, Township 3 North, Range 7 East and the North line of Section 6, Township 3 North, Range 8 East, to the NE corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 6; run thence South to the SE corner of the Northwest $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 6; run thence East to the NE corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 6; run thence South to the SE corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 6, and the NE corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 7, T-3-N, R-8-E; continue thence South 1,081.28 feet, more or less, along the East boundary of the said NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 7 to a point; run thence East 688.0 feet to a point in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 7; run thence South 760.0 feet to a point in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 7, run thence West 688.0 feet to the East line of the W $\frac{1}{2}$ of Section 7, T-3-N, R-8-E; run thence South along the East line of the W $\frac{1}{2}$ of Section 7, T-3-N, R-8-E to a railroad rail marking the Northwest corner of the NE $\frac{1}{4}$ of Section 18, T-3-N, R-8-E, Pike County, Mississippi; thence continue South along the East line of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 18 to the SE corner of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 18; run thence West along the South line of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 18 to the NE corner of the W $\frac{1}{2}$ of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 18; run thence South to the SE corner of the W $\frac{1}{2}$ of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Said Section 18; run thence West 330 feet, more or less, to the line between Section 18, T-3-N, R-8-E and Section 13, T-3-N, R-7E; continue thence West to the East right of way line of the Illinois Central Gulf Railroad; run thence Southerly along said East right of way line 2,650 feet, more or less, to the South line of Section 13, T-3-N, R-7-E; run thence West along the South line of Section 13, Section 14, and Section 15, T-3-N, R-7-E to the SW corner of the SE $\frac{1}{4}$ of Section 15,

0

0

0

00

0

0 0

00 00

T-3-N, R-7-E; run thence North 2,640 feet, more or less, to the NW corner of the SE $\frac{1}{4}$ of Section 15, T-3-N, R-7-E; run thence East 1,320 feet, more or less, to the NE corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15, T-3-N, R-7-E; run thence North along the West line of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 15, T-3-N, R-7-E 2,640.0 feet to NW corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 15; continue thence North along the West line of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 10, T-3-N, R-7-E 1290.7 feet to a point 30.0 feet South of and at right angles to the centerline of Perrett Road; run thence Westerly parallel to said centerline of Perrett Road as follows: N89 26' West 828.5 feet; thence N 89 59" West 370.9 feet; thence N 89 42" West 940.5 feet; thence South 89 49" West 499.0 feet; thence S 88 17' West 377.2 feet; thence South 89 12' West 1789.0 feet; thence North 89 29' West 505.4 feet; thence North 88 20' West 342.1 feet; thence South 88 27' West 499.4 feet; thence South 89 00' West 511.2 feet to a point 30.0 feet West of and at right angles to the centerline of Caston Road; run thence North, parallel to the centerline of Caston Road, 62.3 feet to a point on the South line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, T-3-N, R-7-E; run thence West along the South line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, T-3-N, R-7-E 1257.5 feet to the SW corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 9; run thence North along the West line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the West line of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 9, T-3-N, R-7-E 3,960.0 feet to the NW corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 9; continue thence North along the West line of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 4, T-3-N, R-7-E 1,385.3 feet to a point 30.0 feet South and West of and at right angles to the centerline of Caston Road; run thence northerly parallel to the centerline of Caston Road as follows: N 40 00' West 43.4 feet; thence N 11 32" West 97.0 feet; thence N 01 19' East 510.0 feet; thence North 00 07' East 482.6 feet; thence North 01 55' West 225.9 feet; thence N 00 15' West 609.7 feet to a point 25.0 feet North of and right angles to the centerline of Enterprise Road, said point being 44.7 feet West of and 618.6 feet South of the NW corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 4, T-3-N, R-7-E; run thence Northeasterly, parallel to the centerline of Enterprise Road as follows: North 51 18' East 698.0 feet; thence North 52 59' East 265.2 feet; thence N 58 04' East 157.7 feet; thence North 65 21' East 101.2 feet; thence North 67 57' East 264.3 feet; thence North 64 24' East 158.0 feet; thence North 56 13' East 596.3 feet; thence North 56 44' East 323.2 feet;

thence North 59 03' East 513.0 feet; thence North 58 40' East 521.0 feet to a point on the North right-of-way line of Mississippi Highway 570

(Smithdale Road); run thence along said right-of-way line N 62 30' West 17.5 feet to a point on the North right-of-way line of State Aid Project No. SAP-57(22) (Enterprise Road); run thence Northeasterly along said North right-of-way line of State Aid Project No. SAP-57(22) (Enterprise Road) 5,600 feet, more or less, to a point on the North Line of the SE $\frac{1}{4}$ of Section 34, T-4-N, R-7-E; run thence East, along the North line of the S $\frac{1}{2}$ of Sections 34, 35, and 36, 9,540 feet, more or less to the NE corner of the SW $\frac{1}{4}$ of Section 36, T-4-N, R-7-E; run thence South 1,980 feet, more or less, to the Point of Beginning, the NE corner of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36, T-4-N, R-70E.

SAID property being situated in part of Sections 33, 34, 35, 36, T-4-N, R-7-E and part of Sections 4, 9, 10, 13, and 15, T-3-N, R-7-E, all of Sections 1, 2, 3, 11, 12 and 14, T-3-N, R-7-E, and part of Sections 6, 7, and 18, T-3-N, R-8-E, Pike County, Mississippi, and contains 7,431 acres, more or less.

**--Ordered and Adjudged Chancery Court of Pike County, Mississippi
January 10, 1992 (Book 154 Pages 315-318)**

Sec. 2. Initial Election of Officers.

Be it further enacted that an election may be held in said City to provide for primary elections in the City of McComb City on the 1st Tuesday in May 2014 and, in the event a second primary shall be necessary, such second primary shall be held on the 3rd Tuesday in May, and that the general municipal election to be held in the City of McComb City, Mississippi, will be hereafter held on the 3rd Tuesday in June, beginning June 17, 2014, and every four years thereafter, with candidates elected at such municipal general elections to take office on July 1, 2014, and to serve a four (4) year term.

All elections after the first shall be held by three (3) inspectors to be appointed by the Mayor. The Mayor shall be exofficio justice of the peace,

and he and the Selectmen aforesaid shall take the Oath of Office prescribed by law for officers of the state and county. The Mayor and Selectmen [,] so elected and qualified and their successors in office, shall constitute a body politic and corporate under the title of "The Mayor and Selectmen of McComb City" and by that name may sue and be sued, have a common seal and do and perform all such acts and duties as belong to such municipalities and bodies corporate.

Amd passed January 27, 2014

Sec. 3. Division of city into wards, election of Selectmen.

The Board of Mayor and Selectmen of the City of McComb City, Pike County, Mississippi, shall have authority by ordinance to divide said city into not less than five (5) wards with one selectman elected from each ward and have one at-large seat with one Selectman to be elected at-large from the city; that the total number of Selectmen shall be six (6); that all candidates for selectman from wards shall reside within said ward; that all candidates shall qualify for either Selectmen for wards and [or] at large [and] shall be voted on by all of the electors of said City voting in such election.

Ord. of 10/22/1985

Sec. 4. Meetings, other officers, filling vacancies

Be it further enacted that immediately after the first election, the Mayor shall call a meeting of the Mayor and Selectmen and at such meeting fix the time for holding their regular meetings and the manner of calling special meetings, and they and their successors may appoint a city clerk to keep a record of the transaction of the Mayor and Selectmen, who may be one of their number; and these officers may be removed at pleasure of said Mayor and Selectmen. A simple majority of the Board of Mayor and Selectmen shall constitute a quorum, and the Mayor shall preside at the meetings and in case of a tie [sic] give the casting vote. A vacancy in the office of Mayor shall be filled by election, the Selectmen ordering the same and appointing the inspectors. A vacancy in the office of Selectmen shall be filled by appointment of the Mayor and Selectmen where the unexpired term of the

Selectmen whose resignation or death creating such vacancy shall not exceed twelve (12) months; and if the unexpired term shall exceed twelve (12) months the Mayor and the remaining Selectmen shall make an order in writing directed to the election commissioners of the city commanding an election to be held on a day to be fixed in the order to fill the vacancy; and shall give at least (10) days' notice of such election by publication in some newspaper published in the City and shall give a certificate of election to the person elected. In case of the absence of the Mayor at any regular meeting, the Selectmen may choose a presiding officer for the time being. The duties heretofore imposed on the city treasurer of said City shall be discharged by some person or persons selected in such manner as the Board of Mayor and Selectmen of said City may, by ordinance, provide.

Sec. 5. Appointment of officers and employees provided by Charter and state laws.

That at the first regular meeting of the Board of Mayor and Selectmen of the City of McComb City, Pike County, Mississippi, following their election, the said Board shall select and appoint all officers and employees provided by the Charter and laws of this state. The Board of Mayor and Selectmen shall have authority to remove said officers and employees, as shall be selected, from office and duties at any time during said term at their sole discretion.

(Ord. of 4-27-1971, §1(A); Amd. of 4-12-1988, § I).

Sec. 6. Appointment of Chief of Police.

The Chief of Police of the City of McComb City, Pike County, Mississippi, shall be appointed and selected by the Board of Mayor and Selectmen of said City. The Board of Mayor and Selectmen shall have authority to remove said Chief of Police from office and duties at any time during said term at their sole discretion. The term under which this office shall commence to be appointive shall be the first Monday of January, 1975.

(Ord. of 4-27-1971, § 1(B); Amd. of 4-12-1988, § II)

Sec. 7. Appointment of Municipal Judge

The Municipal Judge of the City of McComb City, Pike County, Mississippi, shall hereafter be appointed and selected by the Board of Mayor and Selectmen of said City. The Board of Mayor and Selectmen shall have authority to remove said Municipal Judge from office and duties at any time during said term at their sole discretion. The term under which this said office shall commence or continue to be appointive shall begin January 1, 1967.

(Amd. of 4-12-1988, § III)

State law reference-Name of court changes to "municipal court," and term "police justice" changed to "municipal judge" by MCA 1972, § 21-23-1.

Sec. 8. Appointment of Tax Collector.

The Board of Mayor and Selectmen of the City of McComb City at their first regular meeting in January of each year shall appoint and select a City

Tax Collector, and they shall have power to remove said tax collector at their sole discretion and to fill any vacancy in said office caused by death, resignation or removal from office.

(Amd. Of 4-12-1988, § IV)

Sec. 9. Removal, discharge of officers, employees.

Notwithstanding any other provision to this Charter to the contrary, the Board of Mayor and Selectmen of the City of McComb City shall have the authority to remove any or all officers and employees of said City at their sole discretion, limited only by state statute to the extent that it expressly provides otherwise; provided that the Board of Mayor and Selectmen may delegate to any other official or employee the authority to discharge any employee.

(Amd. Of 4-12-1988, § V)

Sec. 10. General Powers of Board.

Be it further enacted, that the Board [of Mayor] and Selectmen shall have power to adopt bylaws for their own government and ordinances for the government of the city, not inconsistent with the laws and constitution of the state, and intending to promote morality, preserve order, and advance the interests of the City. They may fix their own and the compensation of the other officers of the corporation. They may impose moderate fines for the violation of the ordinances established by them, open and repair streets and other acts necessary to the convenience and health of the city, not inconsistent with the laws of the state.

State law reference-Powers of municipality, MCA 1972, § 21-17-1 et seq.

Sec. 11. Enumeration of specific powers.

The Board of Mayor and Selectmen of McComb City, Mississippi, shall have power:

- (1) To make all needful police regulations necessary for the preservation of good order and the peace of the city and to prevent injury to, destruction of, or interference with public or private property.
- (2) To regulate the crossings of railways and street railroad tracks and provide precautions and prescribe rules regulating the same, and to regulate the running of street railroads or cars, and railway engines, cars and trucks within the limits of said City, and to prescribe rules relating thereto and govern the speed thereof; and to make any other and further provisions, rules and regulations to prevent accidents at crossings and on the track of railroads, and to prevent fires from engines, and to require railroad companies to erect viaducts over or gates across their tracks at the crossing of streets.
- (3) To issue bonds and sell same, or make other obligations for the purpose of raising money for the erection of a municipal building, and/or school buildings or additions thereto, or the purchase of such buildings or land therefor and the improvement and adornment

thereof; for the purchase or erection of waterworks, gas, electric and other plants, improving or paving streets and for the liquidation of existing obligations of said City. Said bonds to be issued in accordance with provisions, and in the manner and form required by the laws of the State of Mississippi.

- (4) To levy and collect annually taxes on all the taxable property within the city limits, in addition to other taxes in a sufficient sum for the purpose of paying the interest coupons as they become due on all the bonds hereafter issued and the bonds themselves which tax shall be payable only in cash or in matured coupons or bonds.

Sec. 12. Bond of Officers.

Be it further enacted, that the Mayor and Selectmen may require a bond of the treasurer and collector of taxes and also of any other officers of said City, for the faithful performance of their duties, which shall be payable to the Mayor and Selectmen, and such bond shall be in all respects binding as bonds of state and county officers.

Sec. 13. Issue refunding bonds.

The Board of Mayor and Selectmen of the City of McComb City, Pike County, Mississippi, be and they are hereby authorized to issue the bonds of the said city for the purpose of taking up, paying, canceling or refunding any bonded indebtedness that is now or that may hereafter become due by said city, or any indebtedness of said City, said bonds to be issued in accordance with the provisions of the laws of the State of Mississippi; and to levy taxes for the liquidation and payment of said bonds in the same manner that other bonds may be liquidated and paid by municipalities under the laws of the State of Mississippi.

Sec. 14. Construction, maintenance of water and sewer system, electric plant.

That the Board of Mayor and Selectmen of said City shall have power to purchase, erect, construct, maintain, operate and regulate a water and sewerage system in and for said city.

That said Board of Mayor and Selectmen of said City shall have power to purchase, erect, construct, maintain, operate and regulate an electric, gas or other utility in and for said city for municipal purposes, for private use, or for hire.

That said Board of Mayor and Selectmen may exercise the right of eminent domain within the corporate limits of said City, for the purpose of the erection, construction, repair or extension of such water, sewerage or utility system and/or for the purpose of perfecting its system, may exercise the right without as well as within said corporate limits.

That all the above powers shall be exercised and said bonds shall be issued in accordance with and in the manner and form required by the laws of the State of Mississippi.

Sec. 15. Statement of Public Policy. *

It is hereby declared essential to the proper operation of democratic government that the public officials and employees be independent and impartial; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for private gain other than the remuneration provided by law; that there be public confidence in the integrity of government; and that public official be assisted in determinations of conflicts of interest.

1. From and after the adoption of this charter amendment it shall be unlawful, and no public servant, employee, or elected official shall:
 - a. Perform any service for any compensation during the term of office or employment by which he attempts to influence a decision of the governing authority of the City of McComb City.

- b. Serve as an elected official in any governmental entity which appropriated funds to be received by the City of McComb City, which funds are to be used by or for the government of the City of McComb City in the administration of municipal governmental affairs.

 - c. Serve as an elected official in any governmental entity which is empowered to grant or deny any request by the City of McComb City for any relief, funding, or other action relating to the operation of the municipal government of the City of McComb City.

 - d. This Charter Amendment shall become effective upon compliance with the requirement of the MCA 1972, § 21-17-9, and receipt of approval of the United States Department of Justice.
- (Ord. No. 06:07/02, § I, 7-9-2002)

***Editor's note-Ord. No. 06:07/02 did not specify the manner of inclusion of its provisions in the Charter. Therefore inclusion as Section 15 was at the discretion of the editor.**